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#4

APR 19 1993

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In re Application of :
Jannis G. Stavrianopoulos et al. :
Serial No. 07/967,646 : DECISION ON PETITION
Filed: October 28, 1992 :
Atty. Docket No. Enz-7(C2)(P)(C2) :

This is a decision on the petition filed December 4, 1992, requesting that the above-identified application be accorded a filing date of October 28, 1992.

The application was deposited on October 28, 1992, as a continuation application under 37 CFR 1.60. The filing included a copy of the prior application, but not a copy of the signed oath or declaration originally filed in the prior application. Accordingly, on November 24, 1992, Application Division mailed a Notice requiring a copy of the signed oath or declaration originally filed in the prior application and stating that the filing date would be the date of receipt of the omitted copy.

In response, on December 4, 1992, a copy of a petition under 37 CFR 1.47(a), which was filed and approved in prior application Serial No. 07/732,374, including a copy of the declaration signed by three of the four named inventors, and the present petition were filed. Petitioners explain that the copy of the Rule 47 petition was originally omitted as a result of an inadvertent error.

Since a petition has now been filed explaining the delay in supplying the copy of the Rule 47 petition, on petition under 37 CFR 1.60(b), the delay will be excused.

The petition is granted.

Since there is no indication in the file that the non-signing inventor has joined in any of the prior applications, the present application is being forwarded to the Office of Special Programs for consideration of the Rule 47 status of the present application.

Thereafter, the application will be forwarded to the Office of Finance for charging the \$130.00 petition fee to counsel's deposit account No. 05-1135.

The application will then be returned to Application Division for further processing under 37 CFR 1.60 with a filing date of October 28, 1992, using the copy of the declaration filed December 4, 1992, showing the signatures of Jannis G. Stavrianopoulos, Dollie Kirtikar and Barbara E. Thalenfeld and naming Jannis G. Stavrianopoulos, Dollie Kirtikar, Kenneth H. Johnston and Barbara E. Thalenfeld as inventors.



John F. Gonzales
Special Program Examiner

Office of the Assistant Commissioner for Patents

JFG